50

HIGH C.OURT OF CHHATTISGARH AT BILASPUR

Writ Petition No.6151/2000

CORAM: Hon'ble Shri **S.R.Nayak**, Chief Justice &
Hon'ble Shri **D.R.Deshmukh**, J.

Petitioner : Ashok Mishra S/o Shri Ram Naresh Mishra aged about 33 years, Ex-Time Keeper (Daily Wages), Sub Division No. 1, Bijapur, District Dantewara (M.P.).

Versus

Respondents :
1. State of Chhattishgar, Through: Secretary, Public Works Deptt. Mantralaya, DKS Bhawan, RAIPUR (C.G.).
2. Chief Engineer, Public Works Department, RAIPUR (M.P.).
3. Executive Engineer, Public Works Department, Bijapur, West Baster Division, District Dantewara (M.P.).
4. Madhya Pradesh State Administrative Tribunal, Principal Bench, JABALPUR (M.P.).

Shri Vinod Deshmukh, learned Counsel for the petitioner.

Shri Yashwant Singh Thakur, Govt. Advocate for the State.

ORAL ORDER

(Passed on 25.07.2006)

The following oral order of the Court was passed by **S.R.NAYAK, C.J.**

The petitioner while working as daily wager in the establishment of Public Works Department, Bijapur in West Bastar Division, his services were terminated under Section 25 - F of the Industrial Disputes Act, 1947 after complying with the mandatory provisions contained there in. The said action was assailed before the M.P. State Administrative Tribunal, Jabalpur. The Tribunal by its order dated 18/2/2000 following its own earlier order dated 29.2.2000 in O.A.No.623/2000 and another order dated 27.7.2000 in O.A.No.3289/2000 dismissed the Original Application

No.2481/2000 filed by the petitioner. The validity of the same has been challenged in this writ petition. Admittedly, the petitioner's services were terminated by the respondents resorting to provisions of Section 25-F of the Industrial Disputes Act 1947 after complying with the mandatory requirements of paying one month's notice pay and retrenchment compensation and gratuity. The petitioner, on the date of termination of his services, was neither holding any civil post under the State nor could it be said that he was recruited to any civil post. In that view of the matter, the jurisdiction of the Tribunal is specifically barred by the provisions of Section 15 of the Administrative Tribunal Act, 1985.

2. The writ petition is, therefore, dismissed.

Sd/-
Chief Justice

Sd/-
Dilip Raosaheb Deshmukh
Judge